

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

EUGENE KISER,

Petitioner,

vs.

GONZALEZ, Warden, et al.,

Respondents.

CASE NO. 11cv1944 DMS (NLS)

**ORDER (1) ADOPTING
MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION AND
(2) DENYING PETITION**

On August 24, 2011, Petitioner Eugene Kiser (“Petitioner”), a state prisoner proceeding *pro se*, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On October 11, 2012, Magistrate Judge Nita L. Stormes issued a Report and Recommendation (“R&R”) recommending that the Court deny the petition. There are no objections to the R&R.

This Court, having reviewed *de novo* the Magistrate Judge’s R&R, adopts the Magistrate Judge’s recommendation in full and **DENIES** the petition for a writ of habeas corpus. The Court finds no basis for a certificate of appealability. The Clerk of Court shall enter judgment accordingly, and terminate this case.

IT IS SO ORDERED.

DATED: December 20, 2012


HON. DANA M. SABRAW
United States District Judge